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020457      TM31/1030  
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EXAMINER

ALTMAN, F

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 10/30/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/299,745

Applicant(s)

OKAMOTO ET AL.

Examiner

Franklin D. Altman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 depending from 3 is/are rejected.
- 7) ☒ Claim(s) 5, 6, and 7 depending from 5 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 2C has reference numeral 17a. Correction is required.

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 3/16/2000 have been approved.

### ***Claim Objections***

Claims 5 and 6 are objected to because of the following informalities: Claims 5 and 6 recite the limitation of a redundantly awkward phrase “displaced out of the moving path from the moving path”, which should be corrected to - -displaced out of the moving path- -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "exposed to an outer portion" in claim 2 is a relative term which renders the claim indefinite. The term "exposed to an outer portion" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is not understood whether the claim indicates the locking means being physically positioned on the outside surface of the cartridge or merely exposed to external ambient air.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 7/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al (U.S. Patent 5,917,803) in view of JP-9282832.

As per claim 1, Goto et al disclose a disk cartridge (2) for receiving a disk-like recording medium (1) therewithin, comprising:

A disc insertion and removal port (9) provided in said disc cartridge (2) and being capable of inserting and removing said recording medium (1);

An insertion and removal port opening and closing member (17) for closing said disc insertion and removal port (9) when said recording medium (1) is within said disc cartridge (2), said

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cartridge insertion and removal port (9) being opened by moving said insertion and removal port opening and closing member (17) from said disc insertion and removal port (9); and

Locking means (19) for locking said insertion and removal port opening and closing member (17) when said insertion and removal port opening and closing member (17) closes said disk insertion and removal port (9);

Goto et al lacks an explicit teaching of locking cancellation preventing means for preventing said locking means from canceling the locking of said insertion and removal port opening and closing member (17).

However, JP-8282832 discloses locking cancellation preventing means (4b) for preventing locking means (3f) from canceling the locking of an insertion and removal port opening and closing member (3). See Figure 6 of JP-8282832.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the locking cancellation preventing means of JP-8282832 to the locking means of Goto et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to “seal the lock mechanism”, (abstract solution, line 7) “to assure easier maintenance and management”, (abstract problem to be solved, lines 4-5).

As per claim 2, Goto et al further lacks an explicit teaching wherein said locking cancellation preventing means is formed in a shape structured such as to cover at least a part of a portion in which said locking means is exposed to an outer portion of the disc cartridge.

JP-8282832 discloses wherein said locking cancellation preventing means (4b) is formed in a shape structured such as to cover at least a part of a portion (the forward tip of 3f shown in

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Figure 6a of JP-8282832) in which said locking means (3f) is exposed to an outer portion of the disc cartridge (1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to couple the locking cancellation preventing means of JP-8282832 to the locking means of Goto et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to “seal the lock mechanism”, (abstract solution, line 7) “to assure easier maintenance and management”, (abstract problem to be solved, lines 4-5).

As per claim 3, Goto et al additionally lacks an explicit teaching wherein at least a part of said locking cancellation preventing means is irreversibly displaced so as to expose at least a part of said locking means which said locking cancellation preventing means covers to an outer portion of said disc

JP-8282832 discloses wherein at least a part of said locking cancellation preventing means (4b) is irreversibly displaced (Figure 6d following displacement of Figure 6c) so as to expose at least a part (forward tip of 3f) of said locking means (3f) which said locking cancellation preventing means (4b) covers to an outer portion of said disc (2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to couple the locking cancellation preventing means of JP-8282832 to the locking means of Goto et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to “seal the lock mechanism”, (abstract solution, line 7) “to assure easier maintenance and management”, (abstract problem to be solved, lines 4-5).

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As per claim 4, Goto et al further lacks an explicit teaching wherein said locking cancellation preventing means is arranged on a moving path necessary for said locking means to cancel the locking.

JP-8282832 discloses wherein said locking cancellation preventing means (4b) is arranged (Figure 6a) on a moving path (compare figures 6a and 6e) necessary for said locking means (3f) to cancel the locking (Figure 6e).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the moving path of JP-8282832 when coupling the locking cancellation preventing means of JP-8282832 to the locking means of Goto et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to enable the contrapositive of “the lock mechanism cannot be reset if the sealing piece is not eliminated or moved...”, abstract solution, lines 9-10.

As per claim 7, depending from claim 3, Goto et al additionally lacks an explicit teaching wherein the history of the insertion and removal of said recording medium can be recognized by detecting the state of said locking cancellation preventing means.

JP-8282832 discloses wherein the history (“history”, abstract problem to be solved, line 2) of the insertion and removal (“disk exchange”, abstract problem to be solved line 2) of said recording medium (1) can be recognized by detecting the state (compare figures 6a and 6e) of said locking cancellation preventing means (4b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to couple the locking cancellation preventing means of JP-8282832 to the locking means of Goto

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et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to "seal the lock mechanism", (abstract solution, line 7) "to assure easier maintenance and management", (abstract problem to be solved, lines 4-5).

### *Allowable Subject Matter*

Claims 5, 6 and 7/5 are objected to as being dependent upon a rejected base claim and a previously noted informality, but would be allowable if rewritten to correct the informality in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art made of record does not explicitly teach nor fairly suggest "wherein said locking cancellation preventing means is irreversibly displaced out of the moving path of said locking means..." as recited in claims 5 and 6.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshida et al (U.S. Patent 5,715,233) disclose conventional opening and closing disk cartridges. Kawamura et al (EP 0744743A2), Fujisawa (EP 0502702A1), and Taniyama (U.S. Patent 5,546,376) disclose a conventional cartridge. Ohashi (U.S. Patent 5,946,160) disclose a measuring system for a disk medium library. Lee et al (U.S. Patent 5,539,600) disclose a write protection for diskette cartridges. Haruna (JP 401232588A) disclose a locking member for a disk cartridge shutter. Ginosar et al (U.S. Patent 5,854,719) disclose a conventional ZIP disk.



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Sasaki et al (U.S. Patent 5,940,245) and Ikedo (JP 0424984A1) disclose conventional locking members on cartridge disk drives.

Nigam et al (U.S. Patent 4,717,981) disclose a conventional cartridge with an upstanding member 59 which does not interfere or cancel.


Iwata et al (U.S. Patent 5,293,293) in Figure 9 disclose a conventional locking cancellation means which is within the moving path of the locking means.

Yoshida et al (U.S. Patent 5,867,476) and Overbo (U.S. Patent 5,995,345) disclose conventional cartridge adapters enabling two sizes of disk cartridge to be reproduced and/or recorded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin D. Altman whose telephone number is (703) 305-7494. The examiner can normally be reached on mon-fri, 6:30 am - 4:00pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for formal communications or (703) 305-7201 for informal communications, which should be so designated.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Franklin D. Altman, III

  
DAVID L. OMETZ  
PRIMARY EXAMINER